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April 22, 2004

BY HAND DELIVERY

Clerk - Civil  
United States District Court  
One Courthouse Way  
Boston, MA 02110

04 MBD 10118

Re: best-it-ebooks.com and best it ebooks@yahoo.com

Dear Sir or Madam:

I am writing to request the issuance of a subpoena to the following internet service provider, to compel disclosure of information sufficient to identify an alleged copyright infringer in accordance with 17 U.S.C. §512 (h):

Yahoo! Inc.  
701 First Avenue  
Sunnyvale, CA 94089


Enclosed please find the filing fee, a copy of the notification sent to the service provider in accordance with 17 U.S.C. §512 (c)(3)(A) and a proposed subpoena with attached Exhibit A.

I hereby swear under penalties of perjury that the purpose for which the subpoena is being sought is solely to obtain the identity of an alleged copyright infringer and such information will only be used for the purpose of protecting my clients' copyrights.

Thank you for your assistance. If you have any questions, please call me.

Clerk - Civil  
United States District Court  
April 22, 2004  
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Yours sincerely,

  
Amy C. Mainelli

Enclosures

cc: William S. Strong, Esq.

**KOTIN, CRABTREE & STRONG, LLP**

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April 13, 2004

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BY FACSIMILE and FEDERAL EXPRESS

Daniel Dougherty, Esq.  
Yahoo! Inc. - Legal Department  
701 First Avenue  
Sunnyvale, California 94089  
Fax: (408) 394-7821

Re: best-it-ebooks.com and best it ebooks@yahoo.com

Dear Mr. Dougherty:

This firm represents several major publishers in the field of information technology – Elsevier, Inc., The MIT Press, O'Reilly Media, Inc., Pearson Education Inc., and John Wiley & Sons, Inc. – in copyright enforcement matters. It has come to our clients' attention that some person or persons have been conducting a flagrantly infringing business through a website entitled www.best-it-ebooks.com. The site sells sets of CD-ROMs of the same name, "Best IT e-Books." As the name indicates, these CD sets contain copies of numerous books in the field of information technology. The website allows a customer to purchase a full set of eleven CDs, containing hundreds of books in electronic or PDF format, for \$65. Payment for the order is processed through a service called Rupay and invoices are then sent to sales@best-it-ebooks.com and best it ebooks@yahoo.com.

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April 13, 2004  
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The [www.best-it-ebooks.com](http://www.best-it-ebooks.com) domain registration information is fake. The domain registrant's address is given as Fantasy, Prospect 1, New York, NY 380013, with an administrative contact listed as George Brown. George Brown has the same address as Fantasy listed, but with a zip code of 123451. The WHOIS information for the domain lists ns1.s13avahost.net and ns2.s13avahost.net as the domain servers for [www.best-it-ebooks.com](http://www.best-it-ebooks.com). The available WHOIS information for avahost.net is also false.

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I am confident that your firm has not been aware of the foregoing activities, but this letter puts you formally on notice. After receipt of this letter any further provision to [www.best-it-ebooks.com](http://www.best-it-ebooks.com) or the person or persons conducting business through [best\\_it\\_ebooks@yahoo.com](mailto:best_it_ebooks@yahoo.com) of services that enable infringement to continue will be regarded by my clients as willful contributory infringement on your part, and my clients will take appropriate action in response. We trust you will be guided accordingly and in accordance with the provisions of Section 512 of the Copyright Act.

We ask, for the present, that you:

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2. Before noon on Friday, April 16, 2004, supply to me any and all information in your possession concerning the identity of the person or persons conducting business through [best\\_it\\_ebooks@yahoo.com](mailto:best_it_ebooks@yahoo.com).

Pursuant to 17 U.S.C. § 512 (c)(3)(A), I hereby state:

1. That we have a good faith belief that the foregoing acts complained of infringe upon my clients' copyrights and are not authorized by the copyright owners, their respective agents, or the law;
2. That the information in this notification is accurate, and

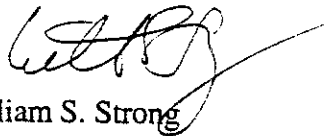
Daniel Dougherty  
Yahoo! Inc.  
April 13, 2004  
Page 3 of 3

3. Under penalty of perjury, that I and this firm are authorized to act on behalf of the owners of the copyrights being infringed as set forth in this notification.

If you do not respond to our requests, a subpoena pursuant to 17 U.S.C. §512(h) will follow shortly. I will hope to hear from you forthwith.

In addition to the contact information provided above, you may email me at [wstrong@kcslegal.com](mailto:wstrong@kcslegal.com). If for any reason you are unable to reply until April 15<sup>th</sup>, please communicate with my associate Amy C. Mainelli, whose email address is [amainelli@kcslegal.com](mailto:amainelli@kcslegal.com).

Yours sincerely,



William S. Strong

cc: Allan Adler, Esq. Roy Kaufman, Esq.  
Cali Bush Michael Leonard  
Roberta Cairney, Esq. Maureen McArdle, Esq.  
Ellen W. Faran Mark Seeley, Esq.  
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